

Colorado Residency and Lawful Presence

Purpose:

The purpose of this policy guidance document is to provide guidance to the contracted vendors responsible for administering the ReHire Colorado transitional job program regarding the requirements related to establishing lawful presence and Colorado residency as conditions of program eligibility for the ReHire Colorado Transitional Jobs Program.

Colorado Residency:

Colorado residency is established if an individual owns or operates a business in Colorado, is gainfully employed in Colorado, or resides in Colorado for 90 consecutive days. Verification of residency can be established many different ways, typically through a Colorado driver's license or identification card, utility statement or rental agreement. The decision to require verification is at the discretion of the local area contractor. For monitoring purposes, verification retained in the case file will not be necessary. Self-attestation of Colorado residency on a signed application or affidavit will be sufficient for purposes of complying with program reporting requirements.

Lawful Presence:

Colorado House Bill 06S-1023 requires that all state agencies or political sub-divisions and their sub-contractors verify the lawful presence in the United States of each individual age 18 and over applying for public benefits. Lawful presence is established by signing an affidavit which states that that individual is a United States citizen or legal permanent resident or otherwise lawfully present in the United States and presenting an original of one of the following types of documentation (a copy of the documentation as well as the affidavit must be retained in the case file):

- A valid Colorado driver's license (includes only a current driver's license; minor driver's license; probationary driver's license, commercial driver's license, restricted driver's license; instruction permit or identification card) or valid Colorado identification card , or
- U.S. military card or military dependent's identification card, or
- U.S. Coast Guard Merchant Mariner Card, or
- Native American Tribal Document.

In addition to the four types of identification listed above, the Department will accept the following types of identification.

- Certificate verifying naturalized status issued by an authorized agency of the United States bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;
- Certificate verifying United States citizenship issued by an authorized agency of the United States bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;
- Valid driver's license or ID card bearing applicant's photograph issued by a lawful presence state. All states and the District of Columbia are lawful presence states, with the exception of: Hawaii, Illinois, Maryland, Nebraska, New Mexico, Utah, and Washington. If on the face of the license or ID card presented it says that it is an

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Enhanced driver's license or ID card, then it is to be accepted as a lawful presence document.

- Valid immigration documents demonstrating Lawful Presence and verified through the Systematic Alien Verification for Entitlements, administered by the United States Citizenship and Immigration Services of the Department of Homeland Security. Valid immigration documents are as follows:
 - Unexpired Foreign Passport bearing an unexpired "Processed for I-551" stamp or with an attached unexpired "Temporary I-551" visa.
 - Unexpired Foreign Passport accompanied by an "I-94" indicating a specific future "until" date.
 - "I-94" with refugee or asylum status.
 - Unexpired "Resident Alien" card, "Permanent Resident" card, "Temporary Resident" card, or "Employment Authorization" card.

For more information, please visit Colorado Department of Revenue website at:
<http://www.colorado.gov/cs/Satellite/Revenue-Main/XRM/1216289012112>